REMARKS

In response to the Office Action mailed on July 10, 2007, Applicants respectfully request reconsideration. Claim1-30 are now pending in this Application. Claims 1, 12 and 25-27 are independent claims and the remaining claims are dependent claims. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 1-3, 5-8, 10-20, 22-24 and 27 stands rejected under 35 U.S.C. § 103(a) as being obvious over Scoredos, U.S. Patent No. 2004/0250127 in view of Reddy, U.S. Patent No. 7,062,540. The Applicants respectfully disagree and traverse the rejection with an argument. Scoredos discusses a method of controlling the number of connections that may be made to a server based on a set of static rules. Reddy discusses a method for controlling applications within a domain.

On page 2 of the Office Action, it is stated that Scoredos, ¶ 0016, lines 1-4 teaches "providing a connection database to store information about connection request." The Applicants rebutted this assertion in the Amendment and Response filed April 30, 2007. In the *Response to Arguments* of the Office Action, on page 20 states, that ¶ 0035 of Scoredos "clearly describes that clients profile relative to source and destination address and permitted connection limits are defined in a rule table." The Applicants again respectfully submit that Scoredos does not teach a database for storing information about connection requests. Scoredos ¶ 0035 states

> FIG. 2 is a flowchart illustrating exemplary steps performed during operation of the system of FIG. 1. Initially, as shown in FIG. 2, at step 201 a **system administrator or other user configures the number of concurrently acceptable connections for specific clients or client groups by entering `keep limit` rules into rule table** 105 for each client and client group, or subnet. These rules (described in detail below) can specify a range of source and destination addresses and destination ports and the number of concurrent connections to permit. The connection limit can be set to a single count for an explicit source that matches the rules or set to

> a cumulative count for all clients that match the rules. [Emphasis added]

Thus, what Scoredos discusses is a static table of rules that is setup prior to a connection request, it does not store information about the connection request, but rules to be applied against the connection request Therefore, Scoredos does not teach or suggest "providing a connection database to store information about connection requests and associated application layer outcomes," as in claim 1. The Action does not assert and the Applicants have not found that Reddy teaches such a feature.

Further, it is asserted on page 3 of the Office Action, that Scoredos ¶ 0033, lines 2-4 teaches "if the throttle filter blocks the transport layer component of the connection request, dropping the connection request silently." The Applicants respectfully disagree. Scoredos ¶ 0033 states

> the `keep limit` keywords specify the number of concurrent connections in>=established state. So if the IP address allowed 10 connections, an 11.sup.th connection will be blocked. **A TCP RST packet is returned to the source IP address/TCP port if the rule has the `rtn-reset` keyword.** [Emphasis added]

Thus, what is discussed in the cited reference is returning a packet stating that the connection has been reset. Therefore, Scoredos does not drop the connection silently. Dropping the connection silently would require no return receipt, but letting the connection time-out on the client side. The Action does not assert and the Applicants have not found that Reddy teaches such a feature.

On page 3 of the Office Action, it is stated that Scoredos does not teach "providing a **connection database** to store information about connection requests and **associated application layer outcomes**," as in claim 1 (emphasis added), but that Reddy column 7, lines 64-66 does. Reddy column 7, lines 64-66 states "At step 112, an agent 72 that has received a notification from an associated monitor 74 communicates the notification to gateway 78 for storage in database 76." Thus what is disclosed is not filter based on application layer information of a packet, but the storage of application information unrelated to the network. For example, consider Reddy column 7, lines 54-60 states

> **a first monitor 74 may communicate with its corresponding application** 42 to determine the state of the application 42 and a second monitor 74 **may scan a log file associated with the same or a different corresponding application** 42. Monitors 74 report detected events to their respective agents 72 though the communication of notifications to the agents 72 at step 110.

Thus what is discussed is an application monitor. The monitor scans files or takes information from an event log and then communicates that information to other agents or the application. It is not taught or suggested that this information is the application layer information of a connection request. The same argument applies as well to "if the throttle filter allows the transport layer component of the connection request, proceeding with the application layer component," as in claim 1. Reddy merely discusses the monitoring of applications, not the outcomes of **application layer** of a connection request. The Action admits that Scoredos does not teach such features. Further, the Applicants have not found that Scoredos teaches such features.

Claims 12 and 27 are patentable for at least the same reasons discussed above as to claim 1. Therefore, the combination of Scoredos and Reddy, taken separately or in combination, fails to teach or suggest the elements of claims 1, 12 and 37 as well as the claims dependent therefrom.

The Action separately rejects claims 28-30 for the same reasons applied to claims 1, 12 and 27. Claims 28-30 are allowable for being dependent from otherwise allowable base claims.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being obvious over Scoredos and Reddy in view of Maruyama, U.S. Patent Pub. No. 2002/0124103. Maruyama discusses controlling the rate at which connection can be made to a server. On page 12 of the action, it is stated that Scoredos ¶ 0033 teaches "determining whether a limit of connections created in a connection cycle period has been exceeded," as in claim 9. Scoredos as cited does not teach or suggest a connection cycle period. Further, the Action does not assert and the Applicants have not found that Reddy or Maruyama teach such a feature.

Further, it is asserted that Maruyama teaches the remaining features of the claim. While the cited text of Maruyama appears to disclose a means of enforcing

Service Level Agreements (SLAs) it does not enable the features of the present claim. The Action admits that Scoredos and Reddy do not teach these features. Therefore, for at least the reasons stated above, the combination of Scoredos, Reddy and Maruyama, taken separately or in combination, fail to teach or suggest the elements of claim 9.

Claims 25 and 26 stand rejected under 35 U.S.C. § 103(a) as being obvious over Scoredos in view of Maruyama and in further view of Maruyama. The cited combination fails to teach "providing a connection database to store information about connection requests and associated HTTP connection outcomes," as in claims 25 and 26, "if the limit of connections created has been exceeded, dropping the connection request silently," as in claims 25 and 26, for at least the reasons discussed above as to claim 1. Therefore, the combination of Scoredos, Maruyama and Reddy, taken separately or in combination fail to teach or suggest the elements of claims 25 and 26.

Claims 4 and 21 stand rejected under 35 U.S.C. § 103(a) as being obvious over Scoredos and Reddy in further view of Gillies, U.S. Patent Pub. No. 2003/0212821. Gillies ads nothing to Scoredos and Reddy with respect to the independent claims. Therefore, the combination of Scoredos, Reddy and Gillies taken separately or in combination, fails to teach or suggest the elements of claims 4 and 21.

Summary

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

James J. Livingston, Jr.
Attorney for Applicant(s)
Registration No.: 55,394
Chapin Intellectual Property Law, LLC
Westborough Office Park
1700 West Park Drive
Westborough, Massachusetts 01581
Telephone: (508) 616-9660
Facsimile: (508) 616-9661

Attorney Docket No.: CIS03-38(7401)

Dated: August 14, 2007